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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/530,822	08/15/2005	Othmar Zuger	H37-122 US	2481
21706 7590 09/18/2008 NOTARO AND MICHALOS 100 DUTCH HILL ROAD SUITE 110 ORANGEBURG, NY 10962-2100				
EXAMINER				
FORD, NATHAN K				
ART UNIT		PAPER NUMBER		
1792				
MAIL DATE		DELIVERY MODE		
09/18/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/530,822

Applicant(s)

ZUGER, OTHMAR

Examiner

NATHAN K. FORD

Art Unit

1792

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 June 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 2 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-2 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Applicant's Response

Acknowledged is the applicant's request for continued examination received on July 10, 2008. Claim 1-2 are amended; claims 3-5 are canceled. Also acknowledged is the affidavit received on July 27.

The declaration contends that Baldwin teaches neither spaced apart orthogonal sensors nor a cyclical movement past the treatment station.

The examiner disagrees and asserts that Baldwin, US 6,419,802, fully teaches this and every other feature recited by the applicant's claim set as explicated below.

Claim Interpretation

According to paragraph forty-three of the applicant's specification, the means for language of claim 1 is interpreted as being inclusive of a controller that receives signals from a thickness detection system; based on this signal, an operating parameter of the coating source supply is modified. Example operating parameters include power, gas flow, and magnet motion.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-2 are rejected under 35 U.S.C. 102(b) as being anticipated by Baldwin et al., US 6,419,802; the rejection relies upon the embodiment delineated by Figure 2. Baldwin, disclosing a system and method for controlling deposition thickness, teaches the following:

Claim 1:

- A coating source (22) for processing the substrate;
 - Wherein the coating location is the coordinate space through which the substrate continuously cycles during its rotation (Fig. 1; 2, 43-45);

- Multiple sensor units, wherein each unit comprises one of element 32 and 34, that sequentially measure the coating thickness at multiple locations, wherein numeral 19 of Figure 1B represents the plurality of sensing locations (4, 18-59);
 - Wherein sensor components 32 and 34 are spaced along a direction orthogonal to the direction of movement of the substrate;
 - Wherein the sensing location of the sensor components is located beneath a substantial portion of the coating location in the direction of movement of the substrate, that is, along the vertical axis;
- A process controller (24) that receives a signals from the thickness detection system (Fig. 1A);
 - Wherein the power of the motor, i.e., an operating parameter, that rotates the substrate can be modified according to the received signal, i.e., a sensor signal (Fig. 7; 5, 65ff).

Claim 2:

- Processing the substrate in a treatment area of a treatment source (22);
 - Wherein the treatment area is the coordinate space through which the substrate continuously cycles during its rotation (Fig. 1; 2, 43-45);
- Wherein the processing proceeds in accordance with a set of parameters;
 - Wherein an operating parameter is motor power;
 - Wherein a control parameter is film thickness;
 - Further wherein the film thickness is measured at multiple locations (19), and the sources of measurement (32 and 34) are spaced from each other in a direction orthogonal to the movement direction of the substrate (Fig. 2);
- Determining a deviation (740, 750, 760) of the subset from a predetermined set point (Fig. 7);
- Generating a control signal in response to a deviation (5, 65ff);
- Modifying an operating parameter, motor power, in response to the control signal to compensate for the deviation (5, 65ff).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nathan K. Ford whose telephone number is 571-270-1880. The examiner can normally be reached on M-F, 8:30-5:00 EDT. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Cleveland,

Art Unit: 1792

can be reached at 571-272-1418. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

/N. K. F./

Examiner, Art Unit 1792

/K. M./

Primary Examiner, Art Unit 1792